

**BEFORE THE GOVERNING BOARD OF THE
MUROC JOINT UNIFIED SCHOOL DISTRICT
OF KERN COUNTY, CALIFORNIA**

In the Matter of Instituting By-trustee
Area Elections Consistent with the
Purposes of the California Voting
Rights Acts.

RESOLUTION NO. 5-22-04

A Resolution by the Governing Board
Stating its Intent to Initiate a Change
of Its Election System to By-trustee
Area Elections

RECITALS

1. California Education Code sections 5019(a) & (c)(l) and 5030 authorize the Kern County Committee on School District Organization ("County Committee"), upon application of a school district's governing board, to change the method of election in a school district under its jurisdiction; and

2. Members of the Board of Trustees of the Muroc Joint Unified School District ("School District" or "District") are currently elected in "at-large" elections, i.e., elections in which "each governing board member [is] elected by the registered voters of the entire school district ..., but reside in the trustee area which he or she represents." [Education Code section 5030(c)]; and

3. The at-large system has resulted in fair and open elections; no one has demanded that the District change its method of election; and

4. It is, however, the considered view of the Board of Trustees that the public interest may also be well-served by election of its governing board members in "by-trustee area" elections, i.e., elections in which "one or more members residing in each trustee area [is] elected by the registered voters of that particular trustee area[,]" [Education Code section 5030(b)]; and

7. "At-large" electoral systems like the one currently used by the District are subject to challenge under the California Voting Rights Act, Elections Code sections 14025-14032 ("CVRA"), while "by-trustee area" electoral systems are not subject to challenge under the CVRA ; and

8. CVRA litigation is very costly to defend; and

9. In addition, a successful plaintiff under the CVRA will typically be entitled to reasonable attorneys' fees, creating great financial risk to any jurisdiction sued -- jurisdictions sued under the CVRA have been forced to pay high attorneys' fee claims to plaintiffs' counsel, as well as paying their own attorneys; and

10. If the County Committee approves this request to change the method of electing board members, Education Code section 5020(a)(2) exempts the County Committee from the obligation to submit its resolution approving the change to the electorate because the change is being made in furtherance of the purposes of the California Voting Rights Act, which exempts by-trustee area electoral systems from liability under that act; and

11. It is the intent of the Board of Trustees to change to election of its members by-trustee area; and

12. It is the intent of the Board of Trustees that the change be implemented for the earliest possible election consistent with Education Code section 5020(a)(2); and

13. The adoption of by-trustee area elections will not affect the terms of any sitting Trustee, each of which will serve out his or her current term; and

14. Elections Code section 10010 sets forth a process for the transition to by-trustee area elections and requires that the Board of Trustees set forth in this resolution the specific steps it will undertake to facilitate this transition, and an estimated timeframe for doing so.

NOW, THEREFORE, BE IT RESOLVED as follows:

- A. The above recitals are true and correct.
- B. The Board hereby states its intent to transition to by-trustee area elections.
- C. The Board hereby adopts the proposed timeline of the specific steps it will undertake to facilitate the transition, attached hereto as Exhibit A and incorporated herein by this reference.
- D. The Board will complete the process prescribed by Elections Code section 10010 within 90 days of passage of this resolution.
- E. The Board shall apply to the Kern County Committee for establishment of by-trustee area elections pursuant to Education Code section 5019(a) and (c)(1).

F. The Superintendent is directed to retain appropriate consultants including a demographer to support the Board during the process of changing to by-trustee area elections.

G. The Superintendent shall send a copy of this Resolution to the Kern County Committee on School District Organization.

H. The Superintendent shall consult with legal counsel to resolve all legal issues necessary to give effect to this Resolution.

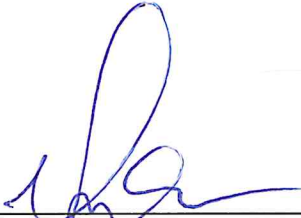
THE FOREGOING RESOLUTION was adopted upon motion by Trustee Matt Carter, seconded by Trustee Sherman Burkhead Jr., at a regular/special meeting held on May 11, 2022, by the following vote:

AYES: 4

NOES: 0

ABSENT: 1

DATED: May 11, 2022

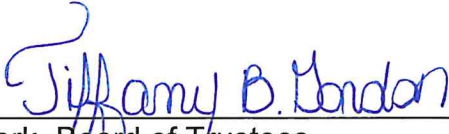


President, Board of Trustees
Muroc Joint Unified School District

CERTIFICATION

I, Tiffany Gordon, Clerk to the Board of Trustees of the Muroc Joint Unified School District, certify that the foregoing Resolution was regularly introduced, passed, and adopted by the Board of Trustees at its meeting held on May 11, 2022.

DATED: May 11, 2022



Clerk, Board of Trustees
Muroc Joint Unified School District

Exhibit A

Schedule for Transition to By-Trustee Area Elections Muroc Joint Unified School District Regular Meeting – 2nd Tuesday of the Month	
<u>Tasks</u>	<u>Target Dates</u>
1. Pass Resolution of Intent. Develop and approve a contract with a demographer.	May 11, 2022 (Regular Meeting)
2. Two public hearings within 30 days prior to publication of draft by-trustee area maps.	May 17&18, 2022
3. Board of Trustees determines local goals and criteria for development of trustee areas and instructs demographic consultant regarding the creation of draft maps.	May 18, 2022 (Special Meeting)
4. <u>Publish Draft Maps and Sequence of Elections.</u>	May 25, 2022
5. Hold two public hearings on draft maps within 45 days. Draft maps must be published seven days before public hearing.	June 1, 2022 & June 8, 2022 (Regular Meeting)
6. Hold final public hearing(s) and pass resolution adopting final trustee area map. 7. Submit resolution to change to by-trustee area elections and adopted map for approval of KCCSDO.	June 15, 2022 (Special Meeting)
8. Meeting of KCCSDO & final approval.	TBD [June 25, 2022 (earliest)]
9. 125 days before November 22, 2022 Elections	July 6, 2022
10. 90 days following adoption of Resolution of Intent	August 8, 2022
11. First By-Trustee Area Elections for Board of Trustees – at least 125 days after approval by KCCSDO.	November 8, 2022